

REMARKS

Claims 24-26, and 28-41 are pending in this application.

I. Response to "Response to Arguments" section of Office Action

In the "Response to Arguments" section of Office Action, the Examiner stated that:

After reviewing applicant[s'] response[,] it appears that there may be some confusion with the application of MPEG-21 specification as prior art. On page 12 [] of applicant[s'] remarks[,] applicant[s] state[] "there is no standard model or representation for a Digital Item." [E]xaminer agrees [with] this assertion. But applicant[s have] not claimed a "standard model or representation for a Digital Item" specifically claim 41. Claim 41 discloses a data structure, which also does not have a standard model or representation.

However, Applicants argument was that the standard does not disclose (and the developers did not provide disclosed in the standard) a standard model or representation for a Digital Item, but only concepts, terms, and development goals. It is up to others to develop such Digital Item definition models based on the provided standard concepts, terms, and development goals. Further, in the Amendment filed July 14, 2006, Applicants argued that the document cited by the Examiner does not disclose or suggest the Digital Item definition model disclosed in the present application or the claimed method of generating Digital Items as recited in the claims.

The Examiner further argued regarding the rejection under 35 U.S.C. §102(f) that "it appears that applicant[s] agree[] with the examiner that the other inventors are disclosed in the prior art document, therefore examiner is unclear why they are not listed as inventors for the present application." It is unclear how the Examiner got this impression, in particular since the argument was made that the "document does not disclose or suggest the Digital Item definition

model disclosed in the present application or the claimed method of generating Digital Items as recited in the claims." Further, in the development of a standard many individuals contribute technological input to the standard. However, as explicitly stated in the remarks of the July 14, 2006 Amendment, "the inventors of the present application developed the Digital Item definition model disclosed in the present application and the claimed subject matter."

II. Double-Patenting Rejection

The Office Action rejected claims 24-26 and 28-41 provisionally on the grounds of non-statutory obviousness-type double patenting as being unpatentable over claims 1-34 of co-pending Application Serial No. 10/102,895. The rejection is respectfully traversed.

Claims 1-34 of co-pending Application Serial No. 10/102,895 do not disclose or suggest the Digital Item definition model disclosed in the present application or the method of generating Digital Items as recited in the claims. More particularly, independent claim 24 of the present application recites a method of generating Digital Items for electronic commerce activities of multimedia data embodied in a computer-readable medium, comprising selecting a resource for electronic commerce activities of multimedia data, generating for the resource an atomic Digital Item, which is not further divided, and a packaged Digital Item, wherein the packaged Digital Item is defined to include any sub packaged Digital Item in a recurrent package form in which the atomic Digital Item is packaged or already packaged Digital Items are again packaged, therefore each packaged Digital Item is generated in a recurrent manner, wherein in

order to construct the recurrent layered structure of the Digital Items, the atomic Digital Item as a lowest layer is defined as component, the packaged Digital Item as a middle layer is defined as item, and/or packaged Digital Items as a highest layer is defined as container, and in generating the component, the component is defined to include the selected resource, an anchor for designating the selected resource, optionally a descriptor for describing details of the resource, and optionally an opCondition for describing operational use conditions of the resource, wherein the packaged Digital Item is defined to include an anchor for designating the same level of Digital Item or an anchor for designating a lower level of Digital Item, such that in generating the item, the item is defined to include packaged content including at least one component or item or anchor, optionally a choice for the packaged content, and optionally a descriptor for describing details of the packaged content; and/or in generating the container, the container is defined to include packaged content including at least one item or container or anchor, and optionally a descriptor for describing details of the packaged content. In contrast, independent claim 1 of U.S. Patent Application No. 10/102,895 recites a method for forming a data structure comprising a Digital Item, wherein the Digital Item is a unit of manipulation of multimedia data, the method comprising: describing content for lower layer Digital Items; describing duplicate selections among the lower layer Digital Items, wherein a selection is included in the higher layer Digital Item and a selectable item for allowing a user to select what said user wants to configure; and describing a linking information that uniquely links the higher layer Digital Item among the plurality of duplicate selections of the lower layer Digital Items, wherein the Digital Items have a

hierarchical configuration. Independent claim 12 of U.S. Patent Application No. 10/102,895 recites a method for forming a data structure comprising a Digital Item, the method comprising: describing a linking information together with a duplicate Selection among lower layer Digital Items, wherein a Selection is included in a Digital Item and a selectable item for allowing a user to select among configurations, and wherein a duplicate Choice includes at least one of the Selection, is included in the Digital Item and is also the selectable item for allowing the user to select among the configurations; defining at least one Precedence over the duplicate Choice or the duplicate Selection, wherein the Precedences correspond to one of the Selection, the Choice and the Digital Item, respectively and allow the user to select priority of the one of the corresponding Selection, the Choice and the Digital Item; and designating at least one Condition for searching a corresponding Digital Item using at least one of said at least one Precedence, wherein the Digital Items have a hierarchical configuration, wherein the Digital Item is a unit of manipulation of multimedia data, wherein the linking information directly links the higher layer Digital Items among the duplicate Choice or the duplicate Selection according to a current Condition and Precedence, wherein the duplicate Choice or the duplicate Selection have the same content in a plurality of lower layer Digital Items. Neither of these claims nor the claims which depend therefrom discloses or suggests, for example, generating for a resource an atomic Digital Item, which is not further divided, and a packaged Digital Item, or the other specifics of the claimed Digital Item definition model. Accordingly, the rejection should be withdrawn.

III. Rejection Under 35 U.S.C. §102(f)

The Office Action rejected claims 24-26 and 28-41 under 35 U.S.C. §102(f) because the applicant did not invent the claimed subject matter. The rejection is respectfully traversed.

As previously noted, the document cited by the Examiner does not disclose or suggest the Digital Item definition model disclosed in the present application or the claimed method of generating Digital Items as recited in the claims. Rather, the inventors of the present application developed the Digital Item definition model disclosed in the present application and the claimed subject matter. Accordingly, the rejection of claims 24-26 and 28-41 under 35 U.S.C. §102(f) should be withdrawn.

IV. Rejection Under 35 U.S.C. §102(b)

The Office Action rejected claims 24-26 and 28-41 under 35 U.S.C. §102(b) as being anticipated by MPEG-21 Part 1 (ISO/IEC JTC1/SC29/WG11 in 3500 (dated 2000-09-03)). The rejection is respectfully traversed.

As set forth above, this document at page 12 explicitly states that “there is no standard model or representation for a Digital Item.” Moreover, it does not disclose or suggest the Digital Item definition model disclosed in the present application or the claimed method of generating Digital Items as recited in the claims.

Further, the Examiner in his rejection refers to pages iix and ix, and then pages 12-32 and 41-43 throughout his rejection. It has been assumed that the Examiner's reference to page "iix"

was intended to be another reference to page "ix." Page ix merely introduces key architectural elements of the standard. Pages 12-32 are directed to defining the term "Digital Item" and setting forth the development goals of the standard re defining Digital Items. Pages 41-43 "describe a set of abstract terms and concepts to form a useful model for defining Digital Items." These pages note that:

This model specifically does not define a new definition scheme or language in and of itself. Instead, the model should provide a common set of abstract concepts and terms that can be used to define such a scheme, or to perform mapping between existing schemes capable of Digital Item definition, for comparison purposes.

Thus, pages 41-43 disclose a set of abstract terms and concepts to be used in higher level Digital Item definition models. Pages 41-43 do not disclose or suggest the Digital Item definition model disclosed in the present application or the claimed method of generating Digital Items as recited in the claims. Moreover, pages 41-43 at least do not disclose or suggest generating for a resource an atomic Digital Item, which is not further divided, and a packaged Digital Item, or the other specifics of the claimed definition model.

Accordingly, the rejection of claims 24-26 and 28-41 under 35 U.S.C. §102(b) should be withdrawn.

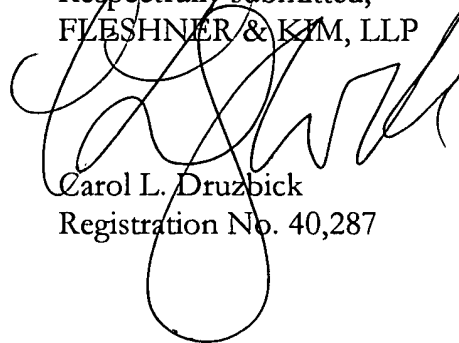
In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney at the telephone number listed below.

Serial No. 10/043,325
Reply to Office Action dated September 7, 2006

Docket No. HI-0070

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
FLESHNER & KIM, LLP

A large, stylized handwritten signature in black ink, appearing to read 'Carol L. Druzback', is written over the typed name and registration number.

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